

ORIGINAL
OPEN MEETING



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MEMORANDUM

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To: THE COMMISSION

Arizona Corporation Commission

2011 FEB 14 P 3:45

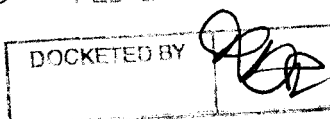
From: Steven M. Olea
Interim Director
Safety Division

DOCKETED

FEB 14 2011

AZ CORP COMMISSION
DOCKET CONTROL

Date: February 14, 2011



Re: REQUEST FOR ARIZONA CORPORATION COMMISSION APPROVAL TO ALLOW UNION PACIFIC RAILROAD TO INSTALL A CONSTANT WARNING TIME ("CWT") DEVICE AT 13TH STREET IN THE CITY OF TEMPE, ARIZONA, USDOT NO. 741-564 E (DOCKET NO. RR-03639A-11-0039).

Background

On January 25, 2011, the City of Tempe ("City") filed an application ("Application") for Union Pacific Railroad Company ("UP") to install Constant Warning Time ("CWT") circuitry at the Tempe Industrial Lead Track ("Lead") where it crosses 13th Street between Farmer Avenue and Ash Avenue in Tempe.

13th Street is a two lane east to west roadway under the jurisdiction of the City. The posted speed limit is 25 mph. There are two tracks traversing the 13th Street crossing including the Phoenix Main Line ("Main") on the east side of the crossing which runs in a north-south direction on the north side of the crossing and turns southeast south of the crossing. The Lead track is located on the west side of the crossing and also runs in a north-south direction north of the crossing and continues along a north-south alignment south of the crossing.

Warning devices at the crossing consist of automatic gates, flashing lights and bells. The Main track utilizes CWT as the type of train detection circuitry. The Lead track has conventional AC/DC circuitry, which is not considered a CWT device. CWT has the capability of judging the speed and distance of a train as it approaches the crossing, so as to activate the warning devices at the proper time.

Staff records, as well as Federal Railroad Administration ("FRA") accident/incident records, indicate no accidents at this crossing.

On June 12, 2008, a diagnostic field review of 10 separate crossings was held in the City as part of a FRA requirement in order to establish a Quiet Zone. Participating in the diagnostic review were members of the City's engineering staff, Gannett Fleming, (a consultant to the City), FRA, Arizona Department of Transportation, ("ADOT") and the Arizona Corporation Commission ("Commission") Safety Division, Railroad Safety Section Staff ("Staff"). During the review of the 13th Street at-grade crossing, all parties were in agreement that the siding track traversing the crossing, known as the Tempe Industrial Lead Track, must include CWT circuitry.

In order to establish a Quiet Zone, all public crossings within the Quiet Zone must be equipped with automatic gates, lights, power off indicators and CWT per 49 CFR Part 222.35 (b) (1). Upon receiving Commission approval, the Application states that UP will obtain and install the CWT equipment within 12 to 15 months.

The estimated cost for the engineering, equipment and installation is \$248,533, which will be funded entirely by the City. According to the Application, UP will be responsible for the installation and ongoing maintenance of the CWT equipment.

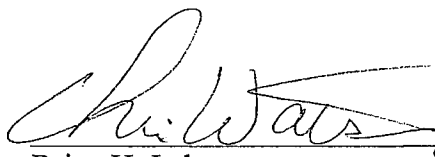
Data provided by the City regarding train movements through this crossing indicate an average of six freight trains travelling through the crossing each day. All of the train movements are through freight and none are switching operations. The train speeds are 10 mph on the Lead track and 25 mph on the Main track. There are no passenger trains using the crossing.

Crossing Closure

The area surrounding this crossing is mostly residential. In the Application, the City indicates that closing the crossing would have a negative effect on residents accessing their properties. Therefore, Staff does not recommend closure of this crossing at this time.

Staff Conclusions

Having reviewed all applicable data, Staff recommends the approval for installation of CWT. Staff believes that the installation of CWT is an upgrade to the existing circuitry and in the public's best interest. Staff believes that the measures proposed by the City are consistent with other similar at-grade crossings in the State and will provide for the public's safety.

A handwritten signature in black ink, appearing to read "Brian H. Lehman", is written over a horizontal line.

Brian H. Lehman
Railroad Safety Supervisor
Safety Division

Originator: BHL

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE - Chairman
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP
BRENDA BURNS

IN THE MATTER OF THE APPLICATION OF
UNION PACIFIC RAILROAD COMPANY FOR
APPROVAL TO INSTALL NEW CONSTANT
WARNING TIME DEVICE AT CITY OF TEMPE
QUIET ZONE PROJECT - 13TH ST HIGHWAY

DOCKET NO. RR-03639A-11-0039

DECISION NO. _____

ORDER

Open Meeting
March 1 and 2, 2011
Phoenix, Arizona

BY THE COMMISSION:**FINDINGS OF FACT**

1. On January 25, 2011, the City of Tempe ("City") filed an application ("Application") for Union Pacific Railroad Company ("UP") to install Constant Warning Time ("CWT") circuitry at the Tempe Industrial Lead Track ("Lead") where it crosses 13th Street between Farmer Avenue and Ash Avenue in Tempe.

2. 13th Street is a two lane east to west roadway under the jurisdiction of the City. The posted speed limit is 25 mph. There are two tracks traversing the 13th Street crossing including the Phoenix Main Line ("Main") on the east side of the crossing which runs in a north-south direction on the north side of the crossing and turns southeast south of the crossing. The Lead track is located on the west side of the crossing and also runs in a north-south direction north of the crossing and continues along a north-south alignment south of the crossing.

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1 3. Warning devices at the crossing consist of automatic gates, flashing lights and bells.
2 The Main track utilizes CWT as the type of train detection circuitry. The Lead track has
3 conventional AC/DC circuitry, which is not considered a CWT device. CWT has the capability of
4 judging the speed and distance of a train as it approaches the crossing, so as to activate the warning
5 devices at the proper time.

6 4. Staff records, as well as Federal Railroad Administration ("FRA") accident/incident
7 records, indicate no accidents at this crossing.

8 5. On June 12, 2008, a diagnostic field review of 10 separate crossings was held in the
9 City as part of a FRA requirement in order to establish a Quiet Zone. Participating in the diagnostic
10 review were members of the City's engineering staff, Gannett Fleming, (a consultant to the City),
11 FRA, Arizona Department of Transportation, ("ADOT") and the Arizona Corporation Commission
12 ("Commission") Safety Division, Railroad Safety Section Staff ("Staff"). During the review of the
13 13th Street at-grade crossing, all parties were in agreement that the siding track traversing the
14 crossing, known as the Tempe Industrial Lead Track, must include CWT circuitry.

15 6. In order to establish a Quiet Zone, all public crossings within the Quiet Zone must be
16 equipped with automatic gates, lights, power off indicators and CWT per 49 CFR Part 222.35 (b) (1).
17 Upon receiving Commission approval, the Application states that UP will obtain and install the CWT
18 equipment within 12 to 15 months.

19 7. The estimated cost for the engineering, equipment and installation is \$248,533, which
20 will be funded entirely by the City. According to the Application, UP will be responsible for the
21 installation and ongoing maintenance of the CWT equipment.

22 8. Data provided by the City regarding train movements through this crossing indicate an
23 average of six freight trains travelling through the crossing each day. All of the train movements are
24 through freight and none are switching operations. The train speeds are 10 mph on the Lead track
25 and 25 mph on the Main track. There are no passenger trains using the crossing.

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1 9. The area surrounding this crossing is mostly residential. In the Application, the City
2 indicates that closing the crossing would have a negative effect on residents accessing their
3 properties. Therefore, Staff does not recommend closure of this crossing at this time.

4 **Staff Recommendations**

5 10. Having reviewed all applicable data, Staff recommends the approval for installation of
6 CWT. Staff believes that the installation of CWT is an upgrade to the existing circuitry and in the
7 public's best interest. Staff believes that the measures proposed by the City are consistent with other
8 similar at-grade crossings in the State and will provide for the public's safety.

9
10 **CONCLUSIONS OF LAW**

11 1. The Commission has jurisdiction over the parties and over the subject matter
12 contained herein pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336 and 40-
13 337.

14 2. Installation of the proposed upgrades to the crossing is necessary for the public's
15 convenience and safety.

16 3. Pursuant to A.R.S. §§ 40-336 and 40-337, the Application should be approved as
17 recommended by Staff.

18 4. After the installation of the crossing upgrade to 13th Street, the Union Pacific Railroad
19 Company should maintain the crossing in accordance with A.A.C. R14-5-104.

20 **ORDER**

21 IT IS THEREFORE ORDERED that the City of Tempe's Application, as described herein, is
22 hereby approved.

23 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall complete the
24 crossing upgrade as described in the Application within fifteen months of the effective date of this
25 Decision.

26 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall notify the
27 Commission, in writing, within ten days of both the commencement and the completion of the
28 crossing upgrade, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Union Pacific Railroad Company shall maintain the crossing in compliance with A.A.C. R14-5-104.

IT IS FURTHER ORDERED that this decision shall be effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2011.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

1 SERVICE LIST FOR:

2 DOCKET NO. RR-03639A-11-0039

3 Mr. Robert Yabes
4 Principal Planner
City of Tempe
5 31 East 5th St., Garden Level
P.O. Box 5002
6 Tempe, AZ 85280

Mr. Anthony J. Hancock
Mr. Terrance L. Sims
Beaugureau, Hancock, Stoll & Schwartz, P.C.
302 E. Coronado Rd
Phoenix, Arizona 85004
Attorney for Union Pacific Railroad Company

7 Ms. Lyn Farmer
Chief Hearing Officer, Hearing Division
8 Arizona Corporation Commission
1200 W. Washington Street
9 Phoenix, AZ 85007

Mr. Robert Travis, P.E.
State Railroad Liaison
Arizona Department of Transportation
205 South 17th Avenue, Room 357
Mail Drop 618E
Phoenix, Arizona 85007

10 Ms. Janice M. Alward
Chief Counsel, Legal Division
11 Arizona Corporation Commission
1200 W. Washington Street
12 Phoenix, AZ 85007

13 Mr. Steven M. Olea
Director, Utilities Division
14 Arizona Corporation Commission
1200 W. Washington Street
15 Phoenix, AZ 85007

16 Mr. Andrew Ching
Tempe City Attorney
17 21 E. Sixth Street, Suite 201
Tempe, AZ 85281

18 Mr. Jeff Kaluga
19 Assistant City Manager,
City of Tempe
20 31 East Fifth Street
Tempe, AZ 85281

21 Ms. Zoe Richmond
22 Director of Government Affairs
Union Pacific Railroad
23 631 S. 7th Street
Phoenix, AZ 85034

24 Mr. Alex Popovicci
25 Manager of Public Projects & Industry
Union Pacific Railroad
26 631 S. 7th Street
Phoenix, AZ 85034